RAJYA SABHA

Wednesday, the 1st March, 2000/11 Phalguna, 1921 (Saka)

The House met at eleven of the clock, **Mr. Chairman** in the Chair.

श्री ओंकार सिंह लखावत: माननीय सभापति महोदय, मेरा एक प्वाइंट आफ आर्डर है। कल बिप्लव दासगुप्त जी ने जो बात कही; उसके बारे में आपकी कोई व्यवस्था नहीं आई। इनकी बात ने सारे देश को आहत किया है। सारे प्रिंट मीडिया और इलेक्ट्रॉनिक मीडिया ने इसे देश भर में प्रकाशित किया है और इससे करोड़ों लोगों की भावनाओं को ठेस लगी है। महोदय, इसके बारे में हमें आपकी व्यवस्था चाहिए।

SHRI GURUDAS DAS GUPTA: May I submit, Sir, that there is no provision to raise a Point of Order during Question Hour.

MR. CHAIRMAN: That is right.

ORAL ANSWERS TO QUESTIONS

Investigation into the Death of IAS Official

*81. DR. M.N. DAS: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the investigation into the death of a senior IAS Officer, M.C. Mohapatra, which took place in Delhi under mysterious circumstances nearly two years ago, led to any conclusive result;

(b) if so, what are the findings; and

(c) if not, how long the investigation is likely to continue?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): (a) to (c) The matter is still under investigation by the CBI. The inquiry is expected to be finalized soon.

DR. M.N. DAS: Sir, with due respect to the hon. Home Minister, Shri L.K. Advaniji, I feel constrained to say that a senior IAS officer, belonging to the Andhra Pradesh cadre, and transferred to Delhi as Joint Secrtary, died

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under mysterious circumstances in the month of September, 1997. As of now, two years and six months have passed and still investigations are going on. Does it imply that our top intelligence agencies work at a snail's speed, or, at the speed of a tortoise and not a rabbit's. If an officer of the rank of Joint Secretary who leaves home saying "I am going to deal with a sensitive file" and that too on a Holiday, i.e. Sunday and shall be back by afternoon after finishing the work but does not return, what can you assume? He comes out of his car asks the driver to bring the lunch packet and the file, enters the lift and within two minutes, when the attendant comes, he finds that the officer is not in his room. The corridor is empty, but there is some confusing noise outside the street. He rushes towards the end of the corridor only to find his master lying dead, smashed, in a pool of blood. There was a consistent demand that the matter be handed over to the CBI. The officer died on 27th of September, 1997. The police investigated for two months; thereafter, it was handed over to the CBI in November, 1999. Sir, from November, 1997 to November, 1998—full one year—and from November, 1998 to November, 1999 nothing happened. Another three months have gone by. If full two years and four months have passed and the investigation is still going on what impression does one get of this Government? Does it imply that the Government does not mean what it says? Therefore, Sir, I humbly say that so many incidents are taking place in India, whether it is a case of an individual's death under mysterious circumstances; whether it is hijacking; whether it is massacre, whatever it is, but our intelligence machinery has completely failed in dealing with such sensitive issues. I would like to know how long the Government will take to come to a conclusion and I would also seek an assurance that the investigation would be completed at the earliest.

SHRI L.K. ADVANI: Mr. Chairman, Sir, I appreciate the anguish expressed by the hon. Member in respect of the death of a senior official and the pace at which the investigations have been going on. In this particular case Shri Mahapatra died after falling from the upper storey of Shastri Bhawan. The issue is whether it is a case of suicide or homicide or accident. All attempts to find out these things could not be conclusive. Taking into account the manner in which the body was found a dummy experiment was made in order to see as to what would be the difference if a person is pushed and if a person voluntarily jumps down. A board of doctors was set up not once but twice. But the discrepancies persisted and no clear conclusion could be brought about. Therefore, it has become necessary to discuss it once again. The CBI

has told me that they will have to discuss this case once again with the experts and the doctors in order to arrive at some conclusion. I have been assured, the Government has been assured by the CBI that they would be able to complete all that can be done within a month or so.

DR. M.N. DAS: Mr. Chairman, Sir, the public perception or the public suspicion is that this theory of suicide is given simply to suppress some facts which may be more dangerous facts. Now if somebody has to commit suicide, why would he come to his office and jump from a corridor on to the street. Supposing, he does not die. Suicide is committed after a through consideration that the death must be sure and certain. One would not take the risk by jumping from the upper floor. Supposing he fractures his body and does not die. If he wanted to commit suicide, he could have easily done it in his bedroom at the dead of night by hanging himself. But why should we come to such a theory unless conclusively established that it was a case of suicide? Let the CBI confess that they could not discover any clue so far as the death of this officer is concerned. We will be satified. The public will be satisfied.

SHRI L.K. ADVANI: Sir, what has already been said amounts to say that we have not been able to come to any definite conclusion. I do not want to go into the arguments at this moment of time. As to what are the greater probabilities and whether the greater probabilities are of accident or of suicide or of homicide, these are matters about which it would not be proper for me to comment at this stage. All I can say is that the Government has been pursing the matter and the CBI has assured us that they will be able to give the final report within a month or so.

SHRI PRANAB MUKHERJEE: As I understand from the reply of the hon. Minister, he would be in a position to know the final conclusion of the CBI in a month or so. My question in this connection is a little different. What I find is even nowadays the normal, ordinary crimes like murders and this type of cases are also referred to the CBI. As we understand, the CBI is under tremendous pressure these days. Starting from courts to various other organizations, they are directly asking the CBI to take up certain matters. The State police and the State CID do not have that kind of confidence in the normal investigating agencies. Therefore, from the public perception also CBI's sevices are drawn more and more. In this context, I would like to know from the Home Minister instead of passing on every case to the CBI which is a specialized agency and which was created to deal with highly sensitive cases and not to investigate normal, ordinary crimes, whether he will

strengthen the normal, ordinary investigating agencies with the Police Adminstration, especially, in Delhi where the Home Ministry is directly involved.

SHRI L.K. ADVANI: Sir, I cannot agree more with what the hon. Member has said that as things stand today, there is a general tendency that in respect of any crime which the police is not able to solve, immediately there is pressure—there are requests which then, convert into pressure—that it must be referred to CBI. And the result is that in certain cases where it is conceded, the CBI becomes overloaded with all kinds of cases. Therefore, there is a need to strengthen the police force. Also, in a recent Conference of the D.G.s of Police from all over the country and the CBI, this particular aspect was stressed upon. And it would be the Government's effort to move in this direction.

श्री संघ प्रिय गौतम: सभापति जी, वैसे तो अधूरे तौर पर, मैं जो प्रश्न करना चाहता हूं, उसका उत्तर माननीय गृह मंत्री जी ने दिया है लेकिन आम तौर से सभी संदेहात्मक मामलों में और जिनको गंभीरता का रूप दिया जाता है इनमें यह मांग की जाती है कि उनकी जांच सी.बी.आई. करे। इस जांच में समय ज्यादा लगता है। इससे सी.बी.आई. की दक्षता पर प्रश्नचिन्ह खड़ा हो जाता है जो कि हमारी सबसे बड़ी संस्था है। तो मैं गृह मंत्री जी से यह जानना चाहता हूं कि क्या कोई जांच प्रक्रिया में कमी है या मामलों का अधिक बोझ होना ही उसका कारण है? यदि हां, तो एक बात आपने बतायी कि पुलिस की इफीशियंसी बढ़ाने जा रहे हैं और क्या दूसरी तरफ प्रक्रिया में यदि कोई कमी है तो उसकी भी समीक्षा कर रहे हैं अथवा क्या सी.बी.आई. की स्ट्रेंथ को बढ़ाने जा रहे हैं?

श्री लाल कृष्ण आडवाणी: सभापति महोदय, मैं समझता हूं कि साधारणत: हर एक प्रदेश में और दिल्ली में भी जो भी अपराध होते हैं उनकी जांच का दायित्व पुलिस का ही है। बिल्कुल अपवाद के रूप में ही कोई मामला सी.बी.आई. को सुपुर्द किया जाना चाहिए। जहां तक प्रदेशों का सवाल है सी.बी.आई. को कोई भी मामला सुपुर्द नहीं किया जाता जब तक उस प्रदेश की सरकार स्वयं सिफारिश नहीं करती कि यह मामला सी.बी.आई. को सुपुर्द किया जाना चाहिए और फिर उसके बाद सी.बी.आई. से पूछा जाता है कि आप इस मामले में जांच करने की स्थिति में हैं कि नहीं हैं। प्रदेशों को यह कहा गया है कि केवल ऐसे मामले जिनमें तीन या चार प्रदेश इन्वाल्व हों या कहीं उनमें विदेशी आयाम भी हों उन्हीं मामलों में ही सी.बी.आई. के ऊपर बोझ डालना चाहिए। बाकी माननीय सदस्य का यह कहना सही है कि सामान्यत: हर अपराध की जांच वहां की स्थानीय पुलिस को और वहां की क्राइम ब्रांच या वहां की सी.आई.डी. के माध्यम से की जानी चाहिए और उसी दिशा में हम बढ़ रहे हैं।

SHRI GURUDAS DAS GUPTA: Sir, part (a) of my supplementary is this. I understand that the investigation is inconclusive. But will the hon. Minister be pleased to inform the House the following: What was the job which that particular officer was doing? Was he handling any sensitive case? And is there any circumstantial suggestion or evidence that it was done by the people who might have been alarmed because of the way in which he was functioning as a Government officer? Part (b) of my supplementary is this. Since the question of CBI has been raised, I would like to know whether the hon. Minister is aware that CBI has not only been overburdened, but it is also seriously handicapped because of the absence of a law. The CBI is functioning according to a Delhi Police Enactment. There is no law which empowers the CBI, which gives the CBI, an independent status, to act as an independent investigating agency. Therefore, considering this, and considering the need of strengthening the CBI, will the hon. Minister take into consideration the need for having a proper enactment to give CBI independence as an investigating agency so that it can discharge its responsibility more properly and independently?

SHRI L.K. ADVANI: Sir, the death of Shri M.C. Mohapatra, Joint Secretary in the Ministry of Mines, has been the central point of this question. In the course of the investigation, it has come on record that, at the relevant time, namely, when his death occurred, Shri Mohapatra was dealing with a file relating to the allotment of Sukanda mines, and he was feeling very depressed. Considerable time was taken in verifying the information in this regard and whatever help could be taken from the members of the family, has been taken. But it has not been possible to come to any firm conclusion that this was the reason why he committed suicide or he would have committed suicide. I can even say from what little I have gathered that the notings on the file in respect of Sukanda mines have been above board, have been correct. There is nothing wrong found in what he has done. At least, till now, it is not certain whether he was under pressure of any kind. But as I said in the beginning, the issue has been whether it is an accident or whether it is a homicide or whether it is a suicide. On this, some kind of conclusion may be arrived at after the second board completes its work and discussion is held with the experts and the doctors. Sir, he also asked about the law as it exists today and whether it handicaps the CBI. Sir, two observations have been made by the Supreme Court in the context of vigilance in the country, in the context of the CVC. The Government is pursuing that.

WELCOME TO PARLIAMENTARY DELEGATION FROM RUSSIA

MR. CHAIRMAN: Hon. Members, I have an announcement to make. We have with us, seated in the special box, members of a Parliamentary delegation from Russia, currently on a visit to our country under the distinguished leadership of His Excellency Mr. Gennady N. Seleznev, Chairman of the State Duma of the Russian Federation.

On behalf of the members of the House and on my own behalf, I take pleasure in extending a hearty welcome to the Leader and other members of the Delegation and wish our distinguished guests an enjoyable and fruitful stay in our country. We hope that during their stay here they would be able to see and learn more about our Parliamentary system, our country and our people, and that their visit to this country will further strengthen the friendly bonds that exist between India and Russia. Though them we convey our greetings and best wishes to the Parliament and the friendly people of Russia.

ORAL ANSWERS TO QUESTIONS—Contd.

राजगढ़ में आदिवासी बच्चों का धर्म परिवर्तन कराया जाना

*82. **श्री राघवजी:** क्या गृह मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हाल में मध्य प्रदेश के राजगढ़ जिले में आदिवासी बच्चों को धमकाकर अथवा फुसलाकर धर्म परिवर्तन कराये जाने की घटनायें प्रकाश में आयी हैं;

(ख) यदि हां, तो तत्संबंधी ब्यौरा क्या है; और

(ग) अपराधी व्यक्तियों अथवा संस्थाओं के विरुद्ध क्या कार्यवाही की जा रही है तथा भविष्य में ऐसी घटनाओं की पुनरावृत्ति न हो उसके लिए क्या कार्यवाही किये जाने का विचार है?

गृह मंत्री (श्री लाल कृष्ण आडवाणी): (क) से (ग) जैसा कि मध्य प्रदेश सरकार ने सूचित किया है, गांव कुन्दवे के एक निवासी जगन्नाथ द्वारा 2.2.2000 को एक रिपोर्ट दर्ज कराई गई थी जिसमें आरोप लगाया गया था कि राजेश्वर कन्वेन्ट स्कूल में फादर पिछले 15 दिनों से नजरबाग छात्रावास के बच्चों को पीट रहे हैं और उन्हें चर्च जाने के लिए मजबूर कर रहे हैं। मामले की जांच-पड़ताल की जा रही है।

तथापि, राज्य सरकार ने यह भी सूचित किया है कि यह कहना सही नहीं है कि बच्चों पर धर्मपरिवर्तन के लिए ब्रेवजह दबाव डाला गया और विगत में जिले में इस प्रकार की कोई घटना प्रकाश में नहीं आई है।